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C O N F I D E N T I A L SECTION 01 OF 03 KABUL 005716

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SUBJECT: FM SPANTA DISCUSSES JIRGAS WITH AMBASSADOR

REF: STATE 193719

Classified By: Ambassador Ronald Neumann for reasons 1.4 (B) and (D).

11. (U) This cable contains action requests (see para 12).

SUMMARY

12. (C) FM Spanta has been seized with preparations for the cross-border jirgas and his December 7 meeting with Pakistan FM Kasuri. Afghanistan very much wants the jirgas to be national in nature, but is willing to accept a Pakistan delegation made up of Pashtuns only, provided it was made up of all Pashtuns (secular and moderate), not just the tribal radicals supporting extremists. The proposed timeframe is now mid-January to mid-February. Spanta was concerned that Pakistan might hold the jirgas hostage if its demand that the GOA release Baloch militant Bugti was not met. He was adamant he had no information on Bugti's whereabouts. The jirgas are meant to be recommendations to the government, not part of any legally-binding process, a point the Ambassador suggested Spanta make clear to FM Kasuri. Spanta asked for U.S. views on (1) international organizations serving as observers; (2) whether the U.S. would help monitor (verify performance) any agreements reached between the two countries; and (3) help in vetting the delegation lists from both sides. END SUMMARY

13. (C) On December 6, Ambassador Neumann met with FM Spanta and conveyed the following messages: Washington remained keenly interested in the jirgas, the U.S. was willing to help in any way acceptable to both sides, and we were pleased the two sides had begun to discuss the issue. Only after the two sides have agreed or decided to disagree on certain issues could third parties help effectively.

Jirga Must Represent All of Afghanistan, Can Compromise on Pakistan Representation

14. (C) Spanta was seized with the jirgas, "thinking about them day and night". For the GOA, the jirgas must represent all of Afghanistan. They were not going to be Pashtun jirgas, he stressed. Spanta understood the difficulty Pakistan faced in accepting the concept. For Afghanistan, the jirgas were a political tradition, but it understands that this is not the case in Pakistan. Spanta said that if Pakistan continued to balk at national representation on its side, the GOA was willing to accept having only Pashtuns from the Pakistan side, but they would have to be fully representative of all/all Pashtuns, particularly secular and moderates. The GOA was concerned that Pakistan would include only radical Pashtuns in its delegation, which would result in a failed jirga. This would be the GOA's fallback position; it would not be on the table immediately. The Ambassador suggested that Spanta make very clear to Kasuri Afghanistan's concerns about radical versus moderate Pashtuns, as the phrase "all Pashtuns" might have a different meaning in Pakistan.

Timing

15. (C) The GOA will be pushing for a date around the first or second week of January. Mid-February would be the latest, Spanta indicated. One window might be February 8 or 9 to 15, after the Joint Commission Monitoring Board in Berlin January 30.

Agenda

16. (C) The GOA has consistently stressed it only wants the

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jirgas to focus on security and anti-terrorism in both countries. Spanta reiterated that greater cooperation and coordination in these two areas would be the centerpiece of the jirga. The GOA does not plan on bringing up the Durand Line and will resist Pakistan raising it during the jirgas.

Baloch Militant Brahamdagh Bugti as Spoiler

17. (C) Spanta was concerned about comments he had heard from COMISAF Richards that Musharaff had told him that Pakistan would hold the jirgas hostage if the GOA did not release Baloch militant Bugti who the GOP suspects is being given haven in Afghanistan. Spanta asked the Ambassador how he should respond if FM Kasuri demanded his release in exchange for going ahead with the jirgas. Spanta emphasized he had no information on Bugti. He only wanted to focus on the jirgas and have constructive talks, he said. The Ambassador suggested that Spanta propose to Kasuri that the issue to be put on the agenda of the intel trilateral. The Ambassador also repeated the demarche made previously to Karzai that our position is that Bugti should be turned over to the GOP as a terrorist.

U.S. Role and Outside Observers

18. (C) Spanta described the GOA's desire to have the U.S. role as not only observer but judge, if the two sides could reach some common position. He noted that other countries and organizations had requested to be observers at the jirgas and asked if this was acceptable to the U.S. The Ambassador responded that we would have no objection to the participation of anyone jointly desired by the two sides. He would seek Washington guidance on whether the U.S. would be willing to play a role in verifying compliance. He noted further that, to respond, Washington will need more detail on what this entailed.

19. (C) The Ambassador suggested that, to the extent the

Foreign Ministers can reach agreement on certain points, it would be useful to publish a joint statement on whatever points were agreed upon, as this would help take things off the table.

Jirgas Are Recommendations, Not a Legal Process

¶10. (C) The Ambassador observed that Pakistan was concerned about whether the jirgas were a political appeal or would result in legal agreement. Spanta's view was that the GOA wanted to avoid any legal issues. He stressed that the jirgas were "recommendations" or "thoughts" for the benefit of the governments. It would be up to governments to take their advice or not. Any legal process would need to go through the Parliaments and governments. The Ambassador suggested that Spanta make this point clear with Kasuri as it would likely reassure the Pakistanis.

Can U.S. and International Community Approve Delegations

¶11. (C) Spanta asked if the U.S. and the international community would be willing to approve the jirga delegations from both sides. The Ambassador said that he would seek Washington guidance. The U.S. would almost always support something agreed to by both sides, but whether we would play a role in vetting the delegation lists (e.g., to eliminate terrorists or drug lords) would require more discussion to define that role. We might know that someone was a terrorist and should be excluded or have a view that a particular moderate should be included but many individuals would not be known to us, and the Ambassador doubted we would be willing to take a separate position in such cases. Spanta reiterated

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his earlier concern that Pakistan might stack the delegation with radicals who would place objectionable items on the agenda, e.g., a deadline for the departure of foreign troops or proposal for a coalition government with the Taliban. Some people in Afghanistan have an "open ear" for these notions, he lamented.

Action Requests

¶12. (C) To summarize, FM Spanta asked whether the U.S.:

- a) together with others, would be willing to vet the delegation lists from both countries.
- b) would be willing to play a monitoring role for any agreements signed by the two countries.
- c) wished to express any view on other countries serving as observers or helping organize the jirga.

NEUMANN